

S.B.CRIMINAL MISC. PETITION NO.664/2007  
(Mahesh Kumar Vs. Smt.Maya)

Date of order : : 28.05.2007

**HON'BLE MR. KRISHAN KUMAR ACHARYA, J.**

Mr.G.R.Punia, for the petitioner.

Heard learned counsel for the petitioner.

By way of this criminal misc. petition under Section 482 Cr.P.C., the petitioners are challenging the order of learned Judge, Family Court, Jodhpur dated 5.12.2006.

Learned counsel for the petitioner states that one application was filed under Section 311 Cr.P.C. for recalling the complainant for cross-examination. It was stated that advocate was engaged on the same day, therefore, she could not be cross-examined properly.

Learned Family court after considering the application has reached to the conclusion that PW 1 has been cross-examined

in detail and on the same day, the permission was also granted to engage another advocate. The learned Judge, Family Court has rejected the application under Section 311 Cr.P.C. vide its order dated 5.12.2006. Learned counsel for the petitioner states that petitioner want to cross-examine the complainant on certain documents. He has cited before the me judgment of Hon'ble Supreme Court reported in 1999 Cri.L.J.SC 434.

I have considered the submission advanced by learned counsel for the petitioner and also gone through the order impugned. Since the petitioner has already cross-examined the complainant, I see no reason to interfere with the order impugned. Accused may lead their own evidence and prove the document. The judgment cited by learned counsel for the petitioner does not apply to the facts of the present case.

This misc. petition has no force and the same is hereby dismissed.

(KRISHAN KUMAR ACHARYA ), J.